

**IN THE COURT OF COMMON PLEAS
DELAWARE COUNTY, OHIO**

IN RE FORFEITURE OF AND REMOVAL FROM : Case No.
OFFICE OF MICHAEL GEMPERLINE :
:

:

COMPLAINT

We, the undersigned electors of Liberty Township, Delaware County, Ohio, numbering not less in number than 15% of the number of electors of Liberty Township that voted in the most recent gubernatorial election, hereby file this Complaint pursuant to Revised Code §§ 3.07 et. seq. and allege that Liberty Township Trustee Michael Gemperline has **willfully and flagrantly exercised authority or power not authorized by law, refuses or willfully neglects to enforce the law or to perform official duties imposed upon him by law, and is guilty of gross neglect of duty, misfeasance, malfeasance, and nonfeasance**. In support of these claims, the undersigned electors of Liberty Township make the following factual allegations:

1. Michael Gemperline (hereinafter “Gemperline”), whose residential address is 4560 Millwater Dr., Powell, OH 43065 is currently serving as a Trustee of Liberty Township in Delaware County, Ohio for a term that ends December 31, 2021.
2. On November 7, 2017, the same day that Gemperline was elected a township trustee by the voters of Liberty Township, those same voters overwhelmingly voted in favor of five year renewal levy to fund the Liberty Township Fire Department (hereafter “LTFD”), including the continued provision of EMS services by LTFD. The levy was approved by a margin of 74.79% to 25.21%.
3. As a candidate, Gemperline professed to support LTFD and praised the services they provided to the Township. Gemperline has backtracked on this position since taking office.
4. Since October of 2018 Gemperline has backed Trustee Melanie Leneghan’s (hereafter “Leneghan”) plan to end the provision of EMS services by LTFD and transfer those services to the Delaware County EMS (hereafter “DCEMS”), against the will of the residents of Liberty Township.

5. Under Ohio law, a county that provides EMS services to its residents must do so throughout the county unless, pursuant to R.C. 307.05, it enters into a contract with another entity, such as a township within the county, to provide those services.
6. Since 1952 EMS services in Liberty Township have been provided by the Liberty Township Fire Department (hereafter “LTFD”). Those services are currently provided for through a contract with Delaware County pursuant to R.C. 307.05.
7. The consulting firm Fitch & Associates prepared a report (hereafter “Fitch Report”) dated July 5, 2018 on Delaware County’s EMS services for the Delaware County Board of Commissioners. The Fitch Report makes certain recommendations regarding EMS services in Delaware County.
8. While the Fitch Report mentions that townships have the option to transfer EMS services to DCEMS, the Fitch Report does not make any recommendations with respect to Liberty Township nor does it recommend transferring EMS services from the Township to DCEMS.
9. At the October 1, 2018 Board of Trustees meeting, Leneghan, citing the Fitch Report, requested a proposal from the Delaware County Board of Commissioners to transfer EMS services from LTFD to DCEMS.
10. According to the October 1, 2018 Board of Trustees meeting minutes, Gemperline expressed his support of Leneghan’s request for a proposal to transfer EMS services from LTFD to DCEMS.
11. According to the October 1, 2018 Board of Trustees meeting minutes, Leneghan indicated her intention to terminate LTFD EMS services regardless of whether Delaware County agreed with the plan or coordinated the transition of EMS services from LTFD to DCEMS:

Mrs. Leneghan stated that the County Commissioners do not have to vote on whether or not the County provides EMS service to Liberty Township, but if the Trustees ask the County to provide these services, they have to do it.

12. On November 27, 2018, Delaware County submitted a proposal to transfer EMS services in Liberty Township from LTFD to DCEMS.
13. Despite their claims to the contrary, the Leneghan-Gemperline plan would necessitate terminating the employment of 32 cross-trained firefighter/paramedics currently employed by LTFD—a 58% reduction in the staffing of LTFD.

14. This massive reduction in staffing under the Leneghan-Gemperline plan would jeopardize the safety and security of the residents of Liberty Township.
15. LTFD currently uses three paramedics in each of its ambulances.
16. DCEMS typically staffs its ambulances with only two paramedics.
17. Liberty Township residents, including individuals who are experts in the field of fire and EMS service with decades of experience, have testified at multiple Board of Trustees meetings regarding the Leneghan-Gemperline plan for LTFD.
18. These residents and experts have stated unequivocally that the Leneghan-Gemperline plan will result in a reduction in the quality of EMS services in the Township, citing numerous flaws in the Leneghan-Gemperline plan.
19. Among the principle flaws in the Leneghan-Gemperline plan that residents have brought to the attention of the Board of Trustees are the fact that the fire-based EMS model is superior to the single-role EMS model, and that ambulances staffed with three paramedics (as is the current LTFD practice) provide superior medical care compared to ambulances with only two paramedics (which is the practice commonly employed by DCEMS).
20. Gemperline was present and participated in the discussions at each of the Board of Trustees meetings in which residents spoke in opposition to the transfer of EMS services to DCEMS.
21. Gary Johnson, a retired fire-chief, spoke in opposition to the Leneghan-Gemperline plan at the December 3, 2018 Board of Trustees meeting. According to the meeting minutes, Mr. Johnson said that “[EMS] quality assurance is most effective when the Fire Department as the public agency administers and monitors on-site and through transport to definitive care,” and that “the best model is cross-trained fire and [EMS] personnel.”
22. Gary Vest, the Chief of Police of the City of Powell spoke in opposition to the Leneghan-Gemperline plan in his capacity as a Liberty Township resident at the December 3, 2018 Board of Trustees meeting. According to the meeting minutes, he explained the value of having LTFD personnel who are cross-trained as fire and EMS providers and who are also able to respond to active shooter situations.
23. Andrew Sapp, a member of the Orange Township Fire Department, spoke in opposition to the Leneghan-Gemperline plan at the December 3, 2018 Board of Trustees meeting. According to the meeting minutes, Mr. Sapp stated that ambulances which are staffed with three paramedics provide superior health care to ambulances with only two paramedics. Mr. Sapp stated that he had spoken to

- several DCEMS paramedics who believe that the Leneghan-Gemperline plan would result in poor service for Liberty Township residents.
24. William Houk, a former fire chief, spoke in opposition to the Leneghan-Gemperline plan at the December 3, 2018 Board of Trustees meeting. According to the meeting minutes, Mr. Houk stated that ambulances with three paramedics provide superior care compared to ambulances with only two paramedics.
 25. Katie Stemen, a critical care nurse and a candidate for a masters degree in nursing, spoke in opposition to the Leneghan-Gemperline plan at the December 3, 2018 Board of Trustees meeting. According to the meeting minutes, Ms. Stemen pointed out shortcomings in the Fitch Report. Ms. Stemen also stated that, based on her own research, ambulances with three paramedics provide superior care compared to ambulances with only two paramedics.
 26. Chip Vance, a Liberty Township homeowner and business owner, spoke in opposition to the Leneghan-Gemperline plan at the December 3, 2018 Board of Trustees meeting. According to the meeting minutes, Mr. Vance stated that he is concerned with the safety of his employees and that the Leneghan-Gemperline plan will result in higher homeowners' insurance premiums. Mr. Vance also stated that he is concerned that the Leneghan-Gemperline plan will deter people from moving to Liberty Township.
 27. Nicole Brandt spoke in opposition to the Leneghan-Gemperline plan at the December 3, 2018 Board of Trustees meeting. Ms. Brandt stated that she has a son who experiences routine sicknesses that may result in serious medical conditions. Ms. Brandt stated that she had recently called 911 for her son and that it was necessary for three paramedics to respond.
 28. Marie Follmer spoke in opposition to the Leneghan-Gemperline plan at the January 7, 2019 Board of Trustees meeting. Ms. Follmer is the mother of a child with a chronic health condition. According to the meeting minutes, Ms. Follmer stated that LTFD paramedics had trained specifically to respond to emergency calls for Ms. Follmer's daughter and that an ambulance with three paramedics was necessary to provide effective care for her daughter.
 29. Joe Stoutenberg spoke in opposition to the Leneghan-Gemperline plan at the January 22, 2019 Board of Trustees meeting. Mr. Stoutenberg stated that he is a Fellow of the Society of Actuaries with two decades of experience in the field. Mr. Stoutenberg stated that, based on an actuarial model of his own creation, six lives would be lost per year as a result of a switch from three paramedics per ambulance to two paramedics per ambulance under the Leneghan-Gemperline plan.
 30. In addition to the overwhelming opposition to the Leneghan-Gemperline plan that Liberty Township residents have expressed at Board of Trustees meetings,

Gemperline has also received voluminous email correspondence from Township residents in opposition to his plan to transfer EMS services to DCEMS.

31. The Leneghan-Gemperline plan to transfer EMS services out of the Township violates the clearly expressed will of the voters of Liberty Township, who voted to approve continued funding of firefighting and EMS services through LTFD at the November 7, 2017 general election.
32. As a candidate for Township Trustee in 2017, Gemperline repeatedly and unequivocally expressed his support for LTFD continuing to provide EMS services and for the 2017 fire and EMS levy.
33. As a candidate, Gemperline expressed his view that the LTFD was fiscally sound.
34. Gemperline and Leneghan are using cost savings as a pretext for weakening the power of IAFF and to gain an advantage in collective bargaining with IAFF in the 2018 triennial labor contract negotiations.
35. The previous labor contract between Liberty Township and IAFF was negotiated and agreed to by both parties within three days.
36. The negotiations over the current labor contract between the Township and IAFF lasted until March 4, 2019 and escalated to the contentious process of “fact-finding.” In previous negotiations the Township and IAFF have reached an agreement without resorting to fact-finding.
37. Pursuant to R.C. 4765.37 et seq., townships must employ a Medical Director in order to provide EMS services.
38. Dr. Warren Yamarick (hereafter “Dr. Yamarick”) served as the LTFD Medical Director for 28 years prior to 2019 and has been a resident of Liberty Township for 30 years.
39. The position of LTFD Medical Director is filled through an annual contract, expiring on December 31st of each year. Dr. Yamarick was initially hired on February 15, 1999, having prior served as Medical Director in a volunteer capacity. His contract was subsequently renewed each year.
40. On December 18, 2017, Leneghan and the other members of the Board of Trustees, at the recommendation of LTFD Chief Thomas O’Brien, voted to renew Dr. Yamarick’s appointment as Medical Director, effective January 1, 2018 and expiring December 31, 2018.
41. Dr. Yamarick’s Medical Director salary in 2018 was \$12,000.

42. Dr. Yamarick was awarded the EMS Medical Direction Award by OhioHealth in 2018.
43. At the December 3, 2018 Board of Trustees meeting, Dr. Yamarick, speaking in his capacity as a Liberty Township resident, expressed his view that EMS services in the Township would suffer if those services were transferred from LTFD to DCEMS.
44. On December 4, 2018, the day after Dr. Yamarick spoke at the Board of Trustees meeting, Leneghan began maneuvering to remove Dr. Yamarick from his position as LTFD Medical Director.
45. On December 4, 2018, Leneghan sent an email to the Delaware County Administrator, Mike Frommer, declaring her intention for Liberty Township to hire the DCEMS medical director—Dr. Ashish Panchal (hereafter “Dr. Panchal)—effective January 1, 2019.
46. Leneghan’s purpose in seeking to remove Dr. Yamarick as Medical Director and replace him with Dr. Panchal was to facilitate the transfer of EMS services to DCEMS and to remove Dr. Yamarick as a voice of opposition to her plans.
47. Prior to a special meeting of the Board of Trustees on December 24th, 2018, Gemperline and Leneghan instructed the township secretary to remove a resolution which had been placed on the agenda by Trustee Shyra Eichhorn (hereafter “Eichhorn”). The resolution sought to re-appoint Dr. Yamarick as the Medical Director for 2019.
48. In an email to a Liberty Township resident on January 6, 2019, Gemperline stated that “there are vital considerations that may lead me not to renew [Dr. Yamarick’s] contract.” Gemperline did not articulate any of these considerations.
49. At a January 7, 2019 Board of Trustees meeting, Dr. Yamarick sought the opportunity to address the Board of Trustees in his capacity as a Liberty Township resident. He completed the required form to speak during the public comment portion of the meeting.
50. Gemperline declined to intervene when Leneghan refused to allow Dr. Yamarick to speak at the January 7, 2019 meeting. As justification, Leneghan falsely claimed that Dr. Yamarick was involved in litigation against the Township.
51. Dr. Yamarick attempted to explain to Leneghan that he was not involved in litigation against the Township.
52. Leneghan ordered law enforcement to remove Dr. Yamarick from the meeting even though Dr. Yamarick was entitled to speak.

53. Eichhorn was not present at the January 7, 2019 meeting, and Gemperline did not intervene to prevent Leneghan from removing Dr. Yamarick from the meeting.
54. Leneghan has claimed that her decision to replace Dr. Yamarick is based on issues with his official performance. However, Leneghan has not cited any specific elements of Dr. Yamarick's performance as Medical Director that have been deficient.
55. Eichhorn has stated publicly that there are no documented issues with Dr. Yamarick's performance.
56. There are no documents in Dr. Yamarick's personnel file which support Leneghan's claims regarding Dr. Yamarick's job performance.
57. On January 7, 2019, Gemperline voted to approve Resolution #19-0107-22, which authorized Leneghan to conduct a search for a new Medical Director and to engage in contract negotiations with a potential new Medical Director on behalf of the Board of Trustees.
58. Eichhorn was not present at the January 7, 2019 Board of Trustees meeting and the meeting minutes indicate that there was no discussion of Resolution #19-0107-22.
59. Resolution #19-0107-22 effectively gave Leneghan the exclusive authority to negotiate for a new Medical Director on behalf of Liberty Township.
60. In her search for a new Medical Director, Leneghan negotiated exclusively with the Ohio State University Wexner Medical Center, (hereafter "OSUWMC") which also provides medical director services to DCEMS.
61. Following Resolution #19-0107-22, the residents of Liberty Township had no immediate access to information regarding the search for a new Medical Director, including who was being considered for the position or what criteria Leneghan was using to select a new Medical Director, because Leneghan was conducting this search unilaterally.
62. At the Board of Trustees meeting on January 22, 2019, Gemperline voted to table Resolution #19-0122-18 which would have authorized the Township to issue a request for proposals—i.e., to engage in a competitive bidding process—to fill the upcoming Medical Director vacancy.
63. On January 22, 2019, acting on its own initiative without being contacted by Gemperline or the Board of Trustees, OhioHealth offered to provide Medical Director services to the Township for between \$4,320 and \$8,640 per year.

64. Despite having received this offer from OhioHealth, Gemperline voted on January 22, 2019 to adopt Resolution #19-0122-20, approving a contract which paid OSUWMC \$34,544 annually for a period of three years for Medical Director services.
65. The contract with OSUWMC pays the new Medical Director nearly 300% more per year than the \$12,000 salary paid to Dr. Yamarick in 2018.
66. According to the new Medical Director, Dr. Panchal, Gemperline's and Leneghan's attacks and negotiating tactics are compromising the working conditions at LTFD. At the February 19, 2019 Board of Trustees meeting, when asked about the wellness of the firefighters Dr. Panchal, stated:

I see that our medics right now, and what they're going through is challenging . . . I think it's hard to find medics like this anywhere else, who have this kind of resilience, but that resilience is being tried . . . I think that one of the challenges they are facing right now is just trying to making [sic] ends meet and so I think those are challenges, that as they are rectified, as they are clarified, it'll make less stress in their lives and they will be able to function in a different capacity.

67. The reduced state of morale and the stressful working conditions at LTFD have the potential to compromise the effectiveness of LTFD in responding to emergencies, threatening the health and safety of the residents of Liberty Township.
68. At the Board of Trustees meeting on January 22, 2019, Gemperline declined to second a motion to approve Resolution #19-0122-15, which would have rejected the EMS proposal from Delaware County.
69. At the Board of Trustees meeting on January 22, 2019 Gemperline declined to second a motion to approve Resolution #19-0122-17, which would have affirmed the status of LTFD as the primary EMS service provider for the Township.
70. Although Delaware County withdrew its offer to takeover EMS services on February 7, 2019, Gemperline and Leneghan have grown more reckless in their efforts to transfer EMS services away from LTFD and out of the Township.
71. Two EMS-related resolutions were placed on the agenda for the February 19, 2019 Board of Trustees meeting.

72. Resolution #19-0219-12 demanded that Delaware County increase the amount it pays the Township annually for providing EMS services through LTFD from approximately \$250,000 to \$1,000,000.
73. Resolution #19-0219-13 would immediately and unilaterally transfer responsibility to provide EMS services in Liberty Township from the Township to the County.
74. The result of Resolution #19-0219-13 would be that DCEMS would assume immediate responsibility for providing EMS services in Liberty Township without any prior preparation for such a responsibility and without any agreements or arrangements between the Township and the County on how those services would be provided.
75. At the February 19, 2019 meeting Leneghan and Gemperline voted to adopt Resolution #19-0219-12 (requesting additional compensation from the County), while tabling Resolution #19-0219-13 (transferring EMS services to the County immediately and abruptly).
76. Although Resolution #19-0219-13 was not adopted, for as long as it was on the Board agenda, the residents of Liberty Township were left in a state of uncertainty regarding whether they would still have township-based EMS services the next day.
77. Furthermore, once a Resolution has been placed on the Board of Trustees meeting agenda and tabled, the Board of Trustees may consider and adopt the Resolution at a future Board of Trustees meeting without the Resolution appearing on the public agenda prior to the meeting. This means that Liberty Township residents have no way to be certain whether Gemperline and Leneghan will precipitate the transfer of EMS services out of the Township, as Resolution #19-0219-13 could be voted upon at any Board of Trustees meeting without any advance notice.
78. At the Board of Trustees meeting on February 19, 2019 Gemperline voted to adopt Resolution #19-0219-12, transferring oversight of LTFD “run cards” to DCEMS.
79. Run cards refers to the process for determining which department—DCEMS or LTFD—will respond to a particular emergency call, based on the nature and location of the emergency.
80. The effect of Resolution #19-0219-12 is that Liberty Township will no longer exercise local control over which emergency services unit responds to emergency calls from Township residents.

81. This provision of Resolution #19-0219-12 appears to be contrary to Ohio law according to the Ohio Attorney General, as explained in 2001 Op. Atty. Gen. No. 2001-011.
82. As detailed below, Gemperline's and Leneghan's reckless plan to downgrade LTFD, and his official acts in furtherance of that plan, continue to jeopardize the safety and security of the residents of Liberty Township. His actions constitute misfeasance, malfeasance, nonfeasance, gross neglect of duty, and/or willful neglect to enforce the law or perform official duties.
83. In addition to Gemperline's official misconduct relating to LTFD and the EMS transfer controversy, Gemperline has also conducted official business using a private email address and server, and failed to recuse himself from Township business in which he had a conflict of interest. The factual allegations supporting these claims of misfeasance, malfeasance, nonfeasance, gross neglect of duty, and/or willful neglect to enforce the law or perform official duties will be detailed separately below.

First Claim: Gemperline's plan to terminate the provision of EMS services by LTFD will reduce and compromise services that are vital to the safety and wellness of Liberty Township residents.

84. The Petitioners hereby incorporate by reference every allegation in the preceding paragraphs as if fully rewritten herein.
85. The reduction in staffing and services at LTFD under the Leneghan-Gemperline plan will result in Liberty Township being more dependent on the good will of other local fire departments, with which Liberty Township has mutual aid service agreements. Liberty Township will thus take unfair advantage of the mutual aid service agreements with those subdivisions and their fire departments.
86. A change in LTFD's status as a cross-trained firefighter/paramedic service provider would put mutual aid agreements in jeopardy because LTFD will no longer be able to reciprocate the EMS services that Liberty Township residents receive from neighboring departments.
87. The reduction in staffing under the Leneghan-Gemperline plan would compromise LTFD's ability to follow the federal Occupational Safety and Health Administration's Respiratory Protection Standard, 29 CFR 1910.134 (g)(4), known as the "2 In/2 Out" rule.
88. The 2 In/2 Out Rule requires that in response to any structure fire no firefighter should enter a burning structure alone, and that two firefighters should remain outside while firefighters are inside the burning structure. Therefore, under this

- safety rule, at least four firefighters must be on the scene if any firefighter is to enter a structure that is burning.
89. The Leneghan-Gemperline plan will result in a reduced quality of EMS services to Liberty Township residents because DCEMS utilizes only two EMS personnel in its ambulances, whereas LTFD typically utilizes three EMS personnel per ambulance.
 90. LTFD is currently an “all hazards” response unit, which is trained and equipped to respond to fire, emergency medical, hazardous materials, water and confined spaces, and active aggressor/active shooter emergencies. DCEMS, on the other hand, provides only emergency medical services.
 91. LTFD is both trained and equipped to respond with EMS services alongside law enforcement during an active aggressor/active shooter scene. While some, but not all, DCEMS personnel have this training, DCEMS does not have the necessary equipment for this type of EMS response.
 92. The Leneghan-Gemperline plan will undermine the safety of Liberty Township residents by separating the delivery of EMS and fire response services.
 93. Single-role providers such as DCEMS do not allow flexibility for responders to move seamlessly from one type of response to another. For example, while LTFD personnel are currently able to offer a unified and simultaneous response to an emergency necessitating medical services and water rescue, DCEMS could only provide medical services in such a scenario.
 94. The above facts constitute misfeasance, malfeasance, nonfeasance, gross neglect of duty, and/or willful neglect to enforce the law or perform official duties.

Second Claim: Gemperline’s official conduct in seeking to replace Dr. Yamarick has been reckless and has severely compromised Liberty Township’s residents’ confidence in the quality and availability of EMS services. Furthermore, Gemperline has authorized and permitted Leneghan to replace Dr. Yamarick through a fundamentally opaque process which further compromised confidence in Liberty Township emergency medical services and which flouted norms of transparency in local government.

95. The Petitioners hereby incorporate by reference every allegation in the preceding paragraphs as if fully rewritten herein.
96. Pursuant to R.C. 4765.37 et seq., Ohio townships must employ a Medical Director in order to operate an EMS service.

97. Therefore, any lapse in the employment of LTFD's Medical Director would function as a legal prohibition against the LTFD providing EMS services. In other words, if the Medical Director position becomes vacant, absent other arrangements, there would be no local provider of EMS services in Liberty Township.
98. In December of 2018, as Dr. Yamarick's annual contract approached its expiration on December 31st of that year, and again in January 2019, as the stop-gap 30-day extension of Dr. Yamarick's contract was in place, the Medical Director contract was a major concern to many residents of Liberty Township.
99. This concern was expressed at the Board of Trustees meetings on December 3 and 17, 2018 and at the Board of Trustees meeting on January 7, 2019, when Gemperline and Leneghan prevented Dr. Yamarick from speaking against the transfer of EMS services and Leneghan ordered him removed from the public meeting.
100. The sense of unease and uncertainty among Liberty Township residents over the future of their Medical Director and their EMS services was compounded by the fact that Gemperline approved a resolution allowing Leneghan to conduct the Township's search for a new Medical Director unilaterally and outside of the public's view.
101. Leneghan engaged exclusively in negotiations with OSUWMC over the Medical Director position on behalf of the Township. She did not consider any other individuals or medical organizations to fill the Medical Director position.
102. OSUWMC provides Medical Director services to DCEMS. A situation in which OSUWMC provided Medical Director services to LTFD and DCEMS would help facilitate the Leneghan-Gemperline plan to transfer EMS services from LTFD to DCEMS.
103. Under Liberty Township's procurement policy, adopted via Resolution #15-0805-03, when the Township is contracting for the purchase of goods and services priced between \$2,500 and \$50,000 "at least three (3) written quotes for the good(s) and/or service(s) proposed to be purchased shall be solicited and obtained."
104. Liberty Township's procurement policy is clear that bids should have been requested before the Township reached an agreement with OSUWMC, but Gemperline and Leneghan ignored this requirement.
105. Gemperline and Leneghan declined to seek the input of even LTFD Chief O'Brien prior to agreeing to the new contract with OSUWMC.

106. Gemperline has received numerous email communications from Liberty Township residents since December 2018 requesting for him to carry out his official duties with greater transparency and to abandon his plan to transfer EMS services to DCEMS.
107. The above facts constitute misfeasance, malfeasance, nonfeasance, gross neglect of duty, and/or willful neglect to enforce the law or perform official duties.

Third Claim: Gemperline has improperly ceded his authority and the authority of the Board of Trustees to Leneghan and failed to check her abuses of power.

108. The Petitioners hereby incorporate by reference every allegation in the preceding paragraphs as if fully rewritten herein.
109. On critical matters requiring the attention of the full Board of Trustees, Gemperline has voted to authorize Leneghan to act unilaterally on behalf of the Board of Trustees outside of public scrutiny.
110. On January 7, 2019, Gemperline voted to approve Resolution #19-0107-22, authorizing Leneghan to conduct a search for a new Medical Director and to negotiate a new Medical Director contract on behalf of the Township.
111. At the January 7, 2019 Board of Trustees meeting Gemperline failed to intervene when Leneghan improperly ordered law enforcement to remove Dr. Yamarick from the meeting.
112. Leneghan conducted this search and contract negotiations outside of the oversight of the Board and the residents of the Township, using her own private email addresses to communicate with OSUWMC.
113. On January 7, 2019, Gemperline voted to approve Resolution #19-0107-20, authorizing Leneghan to act as “liaison” to LTFD on behalf of the Board.
114. Gemperline’s decision allowed Leneghan to abuse her authority over LTFD and to use the Township’s EMS services as a tool for greater leverage in labor negotiations with IAFF.
115. Eichhorn was absent from the January 7, 2019 Board of Trustees meeting where Resolution #19-0107-20 and Resolution #19-0107-22 were approved, preventing any debate or discussion on the propriety of granting Leneghan such sweeping authority.
116. The above facts constitute misfeasance, malfeasance, nonfeasance, gross neglect of duty, and/or willful neglect to enforce the law or perform official duties.

Fourth Claim: Gemperline has conducted official Liberty Township business using a private email address and privately maintained email server in violation of Liberty Township policy.

117. The Petitioners hereby incorporate by reference every allegation in the preceding paragraphs as if fully rewritten herein.
118. On November 11, 2015 the Board of Trustees adopted Resolution #15-1116-06 which established:

All Liberty Township officials and employees shall use only their assigned official Township email addresses (i.e. ending in “libertytwp.org”) when using email to conduct Township business.

119. Resolution #15-1116-06 also requires that:

[A]ll email addresses displayed on the official Liberty Township website (www.libertytwp.org) as contact information for a Liberty Township official or employee shall be only the official township email address assigned to the Liberty Township official or employee whose contact information is displayed. No other or additional email addresses, except official Township email addresses, shall be displayed on the official Township website for any Township official or employee.

120. Since at least on or about June 1, 2018, Gemperline has conducted official Township business using the email address mfgohio@aol.com.
121. Despite the fact that official Liberty Township business is conducted using mfgohio@aol.com, emails and other records sent and received through this address are not immediately available through a public records request pursuant to R.C. 149.43 because they are not in the custody of Liberty Township.
122. Given that the records of official Liberty Township business conducted by Gemperline using mfgohio@aol.com are in the custody of Gemperline and the owner of the private server for this address, the residents of Liberty Township can never be confident that they are receiving complete responses to public records requests submitted to Liberty Township pursuant to R.C. 149.43.
123. The above facts constitute misfeasance, malfeasance, nonfeasance, gross neglect of duty, and/or willful neglect to enforce the law or perform official duties.

Fifth Claim: Gemperline has failed to recuse himself from matters voted on by the Board of Trustees in which he has a conflict of interest between his official duties and his private property.

124. The Petitioners hereby incorporate by reference every allegation in the preceding paragraphs as if fully rewritten herein.
125. On August 20, 2018 Gemperline voted to adopt Resolution #18-0820-05, adopting the current version of Liberty Township's Employee Handbook, Section 8.1 of which contains the Liberty Township conflict of interest policy (hereafter "Conflict of Interest Policy").
126. Section 8.1 of the Conflict of Interest Policy prohibits Township employees and officials from "[p]articipating in matters where something of value will result for the employee, or for the employee's family, business associates, or others with whom the employee has a close tie that could impair the employee's objectivity[.]"
127. The Conflict of Interest Policy "is intended to avoid both the reality and appearance impropriety[.]"
128. At the Board of Trustees meeting on March 4, 2019, Gemperline voted to adopt Resolution #19-0304-07 to purchase and install fire hydrants at three locations in Liberty Township, including one hydrant at the corner of Bayhill Drive and Rutherford Road.
129. The hydrant at Bayhill Drive and Rutherford Road would service the home that Gemperline owns at 4560 Millwater Drive.
130. The addition of the hydrant at Bayhill Drive and Rutherford Road will increase the value of Gemperline's home.
131. The addition of the hydrant at Bayhill Drive and Rutherford Road will decrease the cost of homeowner insurance for Gemperline's home.
132. At the Board of Trustees meeting on April 1, 2019, Gemperline voted to adopt Resolution #19-0401-04, which authorizes the Township to begin planning the construction of a multi-use trail on Rutherford Road between Bayhill and Tricia Price Drives (hereafter "Multi-Use trail").
133. The construction of the Multi-Use Trail will necessitate the purchase of real estate or the right of way from the land owners through whose property the Multi-Use Trail will be constructed.
134. The eventual construction of the Multi-Use Trail described by the Request for Engineering Assistance authorized by Resolution #19-0401-04 will result in a financial benefit to Gemperline.

135. Gemperline's votes to adopt Resolution #19-0304-07 and Resolution #19-0401-04 are in violation of the Liberty Township Conflict of Interest Policy.

136. The above facts constitute misfeasance, malfeasance, nonfeasance, gross neglect of duty, and/or willful neglect to enforce the law or perform official duties.

WHEREFORE, we petition the Court to commence removal proceedings against Gemperline pursuant to Revised Code § 3.08, find that Gemperline is guilty of misconduct in office as defined in Revised Code § 3.07, and enter a judgment of forfeiture of office with all emoluments against Gemperline and remove him from the office of Liberty Township Trustee. We further request that the Court suspend Gemperline from office pending the hearing as permitted by Revised Code § 3.08.

Respectfully submitted:

COMMITTEE FOR THE PLAINTIFF-PETITIONERS

Kerry Daly 3159 Rossmore Cir. Powell, OH 43065	William Houk 2518 Bryton Dr. Powell, OH 43065	Gary R. Johnson 388 Vinwood Lane Powell, OH 43065	Susan Miceli 10690 Sable Ct. Powell, OH 43065	Rebecca Mount 10482 Woodburn Dr. Powell, OH 43065
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Signature	Voting Residence Street Number and Address	City or Township	County	Date of Signing
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Signature	Voting Residence Street Number and Address	City or Township	County	Date of Signing
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Signature	Voting Residence Street Number and Address	City or Township	County	Date of Signing
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Signature	Voting Residence Street Number and Address	City or Township	County	Date of Signing
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I, _____ hereby certify that I reside at the address appearing below my
Printed Name of Circulator
 signature; that I am the circulator of the foregoing petition containing _____ signatures; that I witnessed the
Number
 affixing of every signature; that all signers were to the best of my knowledge and belief qualified electors of
 Liberty Township; and that every signature is to the best of my knowledge and belief the signature of the person
 whose signature it purports to be.

Signature of Circulator _____

Permanent Residence _____

City, Township, or Village _____ State _____ Zip Code _____

